

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2007-0656-MSW-E **TCEQ ID:** RN102903317 **CASE NO.:** 33720
RESPONDENT NAME: Manshack & Sons, Inc.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input checked="" type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Manshack & Sons, 9308 Highway 87 North, Orange, Orange County

TYPE OF OPERATION: Unauthorized recycling facility which receives vegetative debris and mulch

SMALL BUSINESS: ☒ Yes ☐ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on March 10, 2008. No comments were received.

CONTACTS AND MAILING LIST:
TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Ms. Dana Shuler, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-2505; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: Mr. Michael Manshack, Vice President, Manshack & Sons, Inc., 10406 Highway 87 North, Orange, Texas 77632
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Record Review Relating to this Case: February 8, 2007</p> <p>Date of NOE Relating to this Case: April 9, 2007 (NOE)</p> <p>Background Facts: This was a routine record review.</p> <p>WASTE</p> <p>Failure to obtain authorization to operate a recycling facility. Specifically, the Respondent is operating an unauthorized brush and mulch recycling facility with approximately 53,300 cubic yards of vegetative debris and mulch [30 TEX. ADMIN. CODE §§ 328.4(a) and 328.5(a)].</p>	<p>Total Assessed: \$2,540</p> <p>Total Deferred: \$508 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$2,032</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order:</p> <p>i. Qualify for exemption from 30 TEX. ADMIN. CODE chs. 330 and 332 permitting and registration requirements by meeting the requirements of 30 TEX. ADMIN. CODE ch. 328; or</p> <p>ii. Remove all waste and dispose of at an authorized facility; and</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): 0



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 26, 2007

TCEQ

DATES	Assigned	16-Apr-2007	Screening	16-May-2007	EPA Due	
	PCW	16-Jul-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	Manshack & Sons, Inc.		
Reg. Ent. Ref. No.	RN102903317		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	33720	No. of Violations	1
Docket No.	2007-0656-MSW-E	Order Type	1660
Media Program(s)	Municipal Solid Waste	Enf. Coordinator	Dana Shuler
Multi-Media		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$2,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 27% Enhancement **Subtotals 2, 3, & 7** \$540

Notes The Respondent received one NOV for same or similar violations, one NOV for dissimilar violations, and an Order at the Facility within the past five years.

Culpability No 0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction **Subtotal 5** \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

0% Enhancement* **Subtotal 6** \$0

Total EB Amounts	\$548
Approx. Cost of Compliance	\$10,250

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$2,540

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$2,540

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$2,540

DEFERRAL

20%

Reduction

Adjustment

-\$508

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$2,032

Screening Date 16-May-2007

Docket No. 2007-0656-MSW-E

PCW

Respondent Manshack & Sons, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33720

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN102903317

Media [Statute] Municipal Solid Waste

Enf. Coordinator Dana Shuler

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 27%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The Respondent received one NOV for same or similar violations, one NOV for dissimilar violations, and an Order at the Facility within the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 27%

Screening Date 16-May-2007

Docket No. 2007-0656-MSW-E

PCW

Respondent Manshack & Sons, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33720

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN102903317

Media [Statute] Municipal Solid Waste

Enf. Coordinator Dana Shuler

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 328.4(a) and 328.5(a)

Violation Description

Failed to obtain authorization to operate a recycling facility, as documented during an investigation conducted on February 8, 2007. Specifically, the Respondent is operating an unauthorized brush and mulch recycling facility with approximately 53,300 cubic yards of vegetative debris and mulch.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

97 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended from the February 8, 2007 investigation date to the May 16, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$548

Violation Final Penalty Total \$2,540

This violation Final Assessed Penalty (adjusted for limits) \$2,540

Economic Benefit Worksheet

Respondent: Manshack & Sons, Inc.
Case ID No.: 33720
Reg. Ent. Reference No.: RN102903317
Media: Municipal Solid Waste
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$10,250	8-Feb-2007	4-Mar-2008	1.1	\$548	n/a	\$548

Notes for DELAYED costs

Estimated cost to come into compliance, which includes submittal of documentation to the TCEQ, such as a Notice of Intent and a closure cost estimate, and draft a site specific fire prevention plan and suppression plan. Date Required is the date of the investigation and Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,250

TOTAL

\$548

Compliance History

Customer/Respondent/Owner-Operator:	CN600880603	Manshack & Sons, Inc.	Classification: AVERAGE	Rating: 24.17
Regulated Entity:	RN102903317	MANSHACK & SONS	Classification: POOR	Site Rating: 66.50
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	57308	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	OC0216V	
Location:	9308 HIGHWAY 87 N, ORANGE, TX, 77632	Rating Date: 9/1/2006	Repeat Violator: NO	
TCEQ Region:	REGION 10 - BEAUMONT			
Date Compliance History Prepared:	June 26, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	May 16, 2002 to May 16, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Dana Shuler Phone: (512) 239-2505

Site Compliance History Components

- Has the site been in existence and/or operation for the full five year compliance period? Yes
- Has there been a (known) change in ownership of the site during the compliance period? No
- If Yes, who is the current owner? N/A
- If Yes, who was/were the prior owner(s)? N/A
- When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 03/07/2003 ADMINORDER 2002-0594-MLM-E
 Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter B 111.201
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to comply with the requirements for outdoor burning.
 Classification: Major
 Citation: 30 TAC Chapter 330, SubChapter A 330.5(a)[G]
 Description: Failure to receive authorization for the storage and disposal of municipal solid waste.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 05/31/2002 (109513)
- 11/13/2002 (15223)
- 07/01/2003 (120048)
- 09/29/2006 (513958)
- 04/09/2007 (538376)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 11/08/2002 (15223)
 Self Report? NO Classification: Moderate
 Citation: TWC Chapter 26 26.121[G]
 Description: Failure by the facility to obtain an Multi-Sector Industrial General Permit TXR050000 (MSGP) to authorize the discharge of storm water.
 Failure by the facility to obtain an Multi-Sector Industrial General Permit TXR050000 (MSGP) to authorize the discharge of storm water.
 Date: 05/14/2004 (266416)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 328, SubChapter A 328.5[G]
 Description: Failure to comply with the recycling rules.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 330, SubChapter A 330.5[G]
Description: Failure to dispose of waste at an authorized facility.

- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MANSHACK & SONS, INC.
RN102903317

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-0656-MSW-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Manshack & Sons, Inc. ("Manshack & Sons") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Manshack & Sons appear before the Commission and together stipulate that:

1. Manshack & Sons owns and operates an unauthorized recycling facility which receives vegetative debris and mulch located at 9308 Highway 87 North in Orange, Orange County, Texas (the "Facility").
2. The Facility involves or involved the management of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Commission and Manshack & Sons agree that the Commission has jurisdiction to enter this Agreed Order, and that Manshack & Sons is subject to the Commission's jurisdiction.
4. Manshack & Sons received notice of the violations alleged in Section II ("Allegations") on or about April 14, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Manshack & Sons of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Two Thousand Five Hundred Forty Dollars (\$2,540) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). Manshack & Sons has paid Two Thousand Thirty-Two Dollars (\$2,032) of the administrative penalty and Five Hundred Eight Dollars (\$508) is deferred contingent upon Manshack & Sons' timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Manshack & Sons fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Manshack & Sons to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Manshack & Sons have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Manshack & Sons has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, Manshack & Sons is alleged to have failed to obtain authorization to operate a recycling facility, in violation of 30 TEX. ADMIN. CODE §§ 328.4(a) and 328.5(a), as documented during a record review conducted on February 8, 2007. Specifically, Manshack & Sons is operating an unauthorized brush and mulch recycling facility with approximately 53,300 cubic yards of vegetative debris and mulch.

III. DENIALS

Manshack & Sons generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Manshack & Sons pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Manshack & Sons' compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Manshack & Sons, Inc., Docket No. 2007-0656-MSW-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that Manshack & Sons shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Qualify for exemption from 30 TEX. ADMIN. CODE chs. 330 and 332 permitting and registration requirements by meeting the requirements of 30 TEX. ADMIN. CODE ch. 328; or
 - ii. Remove all waste and dispose of at an authorized facility; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Waste Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

3. The provisions of this Agreed Order shall apply to and be binding upon Manshack & Sons. Manshack & Sons is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Manshack & Sons fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Manshack & Sons' failure to comply is not a violation of this Agreed Order. Manshack & Sons shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Manshack & Sons shall notify the Executive Director within seven days after Manshack & Sons becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Manshack & Sons shall be made in writing to the Executive Director. Extensions are not effective until Manshack & Sons receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Manshack & Sons in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Manshack & Sons, or three days after the date on which the Commission mails notice of the Order to Manshack & Sons, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

TCEQ

Fax: 5122394562

Oct 31 2007 10:56

P.05

Manshack & Sons, Inc.
DOCKET NO. 2007-0656-MSW-E
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SIGNATURE PAGE**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

For the Commission



For the Executive Director

2/12/2008

Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Mike Manshack

Signature

12/4/07

Date

MIKE MANSHACK

Name (Printed or typed)
Authorized Representative of
Manshack & Sons, Inc.

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Section at the address in Section IV, Paragraph 1 of the Agreed Order.

